WINTER 2005/06

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REFERRALS

We want you to think of us as your law firm.

If you have legal matters that need attention, please let us know. If we cannot handle the matter, we will refer you to a competent firm that can.

Please feel free to refer us to your family, friends, and neighbors for their legal needs. We welcome the opportunity to help.

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Jones Clifford Johnson & Johnson LLP

Season's Greetings!

We'd like to take this time to extend our very best wishes to you and your loved ones. We hope your home will be filled with joy, warmth, and goodwill during this holiday season. May you and your family enjoy peace, happiness, and good health throughout the coming year.

Jones, Clifford, Johnson & Johnson, LLP

Safe children's car seating

Protect your children in your car. Between 1990 and 1999, nearly 17,000 children under age ten were killed in automobile crashes, and millions more were injured. Adult seat belts don't safely restrain the undeveloped bones and muscles of the small bodies of infants and young children.

Safety restraints

Use child safety restraints, which come in several types.

Infant seats—Rear-facing safety seats for babies from birth to about 20 pounds.

Convertible safety seats—Change from rear-facing for infants to front-facing for tots weighing 20–40 pounds.

Booster-with-shield seats—For children 30–60 pounds who are too large for convertible seats, but too small for adult seat belts.

Belt-positioning booster seats—Designed for children weighing 30–60 pounds, these raise children to properly position the vehicle's seat belt. Some boosters feature a five-point harness attachment.

Integrated seats—Manufacturer options in which the child seat is physically a part of the vehicle's seat.

Safety belts—Traditional lap/shoulder belts fit securely across the hips and chest for larger children and adults.

Suggestions

- Always restrain every child in a vehicle, preferably in the back seat.
- Visit the National Highway Traffic Safety Administration's Web site—**www.nhtsa.dot.gov/**—for good information on child restraints. Click to the "Child Passenger Safety," "Child Safety Seats—Selecting, Installing, and Using," and "Selecting The 'Best' Child Safety Seat For Your Child" for comprehensive guidance on manufacturers, models, vehicles, and lots more.
- Do your homework and purchase the best seat(s) you can. Do not select products that may have hard parts, clips that can break, or other design problems that can make your child more prone to injuries.
- Be sure that the safety seat you purchase for yourself or as a gift for another is designed to be compatible with the vehicle in which it will be used. Read all instructions and install it properly.
- Drive carefully. Avoid speeding, talking on a cell phone, or doing other things that may be unsafe.

Pedestrian safety

Americans walk for fitness and fun.

But walking isn't always safe. Every year, 6,000 pedestrians are killed and 90,000 are injured. Three of every five victims are adults.

Drivers strike pedestrians because they're hurrying, don't see them, run red lights, or have consumed alcohol.

What can parents and children do to be safer pedestrians?

- ➤ Walk on sidewalks.
- ➤ Look left, right, and left again for cars, bicycles, and in-line skaters before crossing.
- ➤ Listen for cars, too.
- ➤ Follow traffic controls and "Walk/Don't Walk" signals.
- ➤ Use crosswalks and safety islands. Never cross from between cars.
- ➤ At night or in poor weather, wear bright, reflective clothing.

Pedestrians have the right-of-way...and rights

A truck driver struck a hard-to-see pedestrian at night, rendering him quadriplegic. When the victim and his wife sued, their lawyer earned them a court verdict. Jurors awarded damages, finding that the driver had driven negligently, was inattentive, traveled at an unsafe speed, and failed to heed a red light.

Sick leave

Although employers are not legally obligated to provide employees vacation and sick-leave time, most do. They want to attract and retain good workers.

And most employees call in sick and miss work only when they are truly ill. However, when employees suffer serious long-term illnesses, there are several important steps they can take to protect their rights.

- Review the employment contract or handbook to fully understand the employer's sick-leave policies, and comply with them. Many employers are generous and understanding.
- Recognize that employers must treat all employees equally.
- Use sick-leave time efficiently and expeditiously.
- Communicate sick-leave needs and plans for treatment in advance, if possible.
- Obtain legal counsel if employment discrimination occurs.

Terminated for illness

A manufacturing firm secretary who was diagnosed with cancer missed 21 afternoons of work for chemotherapy. Although she made up the work, her employer fired her for frequent absences. Her attorney negotiated a settlement for her for lost wages and benefits based on employment discrimination due to her disability.

Driving on wet roads

Whenever poor weather approaches, we all need to become aware of how driving conditions can change. Traveling safely in wet weather means driving defensively:

1. Plan ahead. Tune in to TV weather reports to anticipate windy, rainy, or snowy conditions.

2. As you drive, listen to local radio traffic reports to avoid congestion, accidents, and delays.

3. Be visible. Turn on headlights, especially in rainy or low-visibility conditions.

4. Improve visibility. Use wipers to clear rain, and brush or scrape snow or ice before you start driving.

5. Accelerate and brake more slowly in adverse weather, and always signal before turning or changing lanes.

6. Maintain a safe distance from cars in front of you. Braking distances increase dramatically as weather conditions erode.

7. Get used to your car's anti-lock braking system, as it prevents wheel lockup and assists safe stops.

8. Have snow tires mounted.

9. Stay calm and alert at all times.

What can still go wrong

No matter how carefully you drive, you can't control other drivers' behavior on the road. After their college-aged son was killed in a crash when his vehicle hydroplaned on roadway water, his parents sued the state's transportation department. The department settled with the plaintiffs when their attorney proved in court that the young man's death was attributable to a defectively graded and paved road that did not drain water properly.

Fired for being injured on the job

Being injured on the job is terrible. It's embarrassing, requires seeing a doctor, and can mean time off work and submitting paperwork.

But some employers add insult to worker injury by actually firing employees who apply for workers' compensation. Why discharge them? To punish workers who file claims and deter others from doing the same. Claims cost the company money. In this era of self-funded and self-administered workers' compensation programs, employers have strong economic incentives to discourage employees from filing and to retaliate against those who do.

Legal relief is available for many employees who are fired for exercising their legal rights to workers' compensation. However, building the case can be challenging.

If you or someone you know has been a victim of a retaliatory firing after filing a workers' compensation claim for injuries incurred on the job, call us. We may be able to help.

Although employers have little reason to supply information that will weaken their case, an injured worker's attorney may use many resources.

- ***Personnel files***—which can document an employee's exemplary service through promotions, evaluations, customer satisfaction letters, and more. Previous employers' records, and even military records, can help, too.
- ***Medical records***—history and treatment, particularly that which pertains to the injury, to support claims of injury and even emotional distress.
- ***Employers' policy, procedure, and employee manuals***—which the company may violate or may include self-serving language that contrasts with employment practices.
- ***Employee job-hunting records***—to demonstrate to a jury that the worker is someone who really wants to continue working after being injured.
- ***Experts***—such as an economist, to document lost wages and benefits; an employment specialist, to establish likelihood of re-employment or rehabilitation training; and a psychiatrist or psychologist, to testify to emotional or self-worth damages.

WORKPLACE INJURIES

When employees slip and fall, employers lose productivity or may even be subject to liability. A business can take several steps to reduce the likelihood of employee-fall injuries.

- Comply with federal and state occupational safety and health guidelines for worker safety.
- Authorize managers to enforce slip-and-fall reduction guides.
- Establish and maintain adequate lighting, visibility, and good housekeeping requirements for plants and offices.
- Train employees in slip-and-fall hazard recognition, reporting, and avoidance.
- Obtain and maintain fall-reduction equipment for employee use, such as signage, handrails, safety mats, ladders, scaffolds, and securing mechanisms.
- Conduct ongoing awareness of slip-and-fall training for employees, including how to respond to accidents.

A serious fall

A construction carpenter fell through an unmarked and uncovered stairway opening and suffered severe ankle, sacral, and internal injuries. He sued, and his employer agreed to a multimillion-dollar settlement, admitting inadequate fall protection and lack of installation of safety devices.

Toy safety for babies

Toys that dangle elastic, strings, or wires can be dangerous to young children if draped across a crib. Kids can become entangled in the lines and have breathing cut off.

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Frivolous lawsuit legends

Just plain bunk

If you haven't received a Stella Awards e-mail…you will. They're outrageous…and almost always made up. Here's a famous, but phony, example.

Mr. Grazinski bought a brand-new 32-foot motor home. Driving home on a superhighway, he set the cruise control for 70 mph and went to the kitchen to make some instant coffee. The land cruiser left the highway, crashed, and rolled over many times. Grazinski sued the vehicle manufacturer, claiming his owner's manual didn't give warning not to do what he did, and was awarded $1.75 million and a new motor home by a jury. It's totally untrue.

There are dozens of other phony lawsuits buzzing around the Internet. Go to **www.atlanet.org/** and look for *"Consumer & Media Resources,"* then *"Factsheets & Resources,"* or go to **www.snopes.com**, which debunks tortured tort myths, such as the microwaved poodle, the run-over hubcap thief, and the man who suffered mental anguish due to his garage door.

By the way, these awards are mockingly named for Stella Liebeck, the woman who actually was terribly burned by a cup of McDonald's coffee. However, the circumstances and actual outcome of her case were exaggerated to make people think badly about our legal system.

What personal litigation explosion?

A 1994 RAND Institute for Civil Justice report showed that the "personal litigation explosion" reported in popular media never happened. In actuality, *business and family cases* accounted for most damages awarded in the 1990s. In addition, trial rates remain flat. Automobile and land liability cases continue to dominate the courts, while medical malpractice and product liability cases account for only a small percentage of all cases.

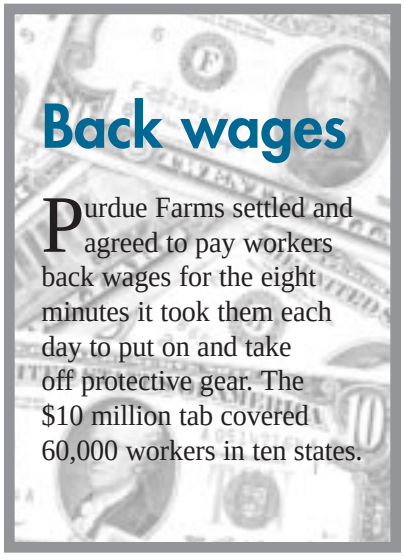
HOMEOWNER'S INSURANCE

If you're buying a home, owning a trampoline or a pit bull can make it difficult to obtain homeowner's insurance.

PUNITIVE DAMAGES

Rare and fair

A national, year-long study concluded that punitive damage awards are generally modest and awarded only in extreme circumstances. Never random or capricious, juries tailor punitive damages to medical expenses and lost wages. In 2,849 trials won by plaintiffs, the mean award was $386,000. In those cases, 177 punitive awards were dispensed, with a mean of $534,000.



Back wages

Purdue Farms settled and agreed to pay workers back wages for the eight minutes it took them each day to put on and take off protective gear. The $10 million tab covered 60,000 workers in ten states.